

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FBS LACEY, LLC, a Washington limited
liability company,

Plaintiff[s],

v.

DOVER HOLDING, LLC a New York
limited liability company registered to do
business in Washington,

Defendant[s].

NO. C07-05009BHS

STIPULATION AND ORDER OF
CONTINUANCE

I. STIPULATION

The parties to this action, through their respective counsel of record, hereby agree and stipulate as follows:

1. This matter involves a dispute between a landlord (defendant Dover Holding, LLC) and a tenant (plaintiff FBS Lacey, LLC) involving claims for declaratory judgment, injunction, breach of contract, business interference, and monetary damages regarding the parties' rights, obligations, duties and liabilities arising under a lease relative to eminent domain proceedings occurring in Thurston County Superior Court for the State of Washington. The parties remain mindful of the Court's opinion that the resolution of this litigation would be facilitated by further maturation of the state court condemnation action. That action is ongoing

1 with a hearing set for July 11, 2008 to define the scope of discovery and hearing related to
 2 defendant Dover Holding, LLC's request for attorneys' fees and to set a schedule for
 3 resolution of that issue in the state court. The outcome of that hearing may affect the nature of
 4 discovery required in this action. The current schedule in this case, however, establishes the
 5 discovery cutoff as July 7, 2008, two business days before the Superior Court will hear
 6 argument regarding the appropriate discovery and schedule for that case. As such, the parties
 7 hereby stipulate and agree to request this Court to continue the trial and all applicable pre-trial
 8 dates for approximately three months to a date convenient to the Court on or after February 3,
 9 2009. The trial date is currently scheduled for November 3, 2008.

10 2. Counsel have conferred with the respective parties, who have consented to this
 11 proposed continuance.

12 DATED this 11th day of June, 2008.

13
 14 JOHNS MONROE MITSUNAGA PLLC

TOUSLEY BRAIN STEPHENS PLLC

15 By: /s/ Signature Page filed with the Clerk

By: /s/ Nancy A. Pacharzina

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Counsel for Defendant

22 *Counsel for Plaintiff*

ORDER

Based on the foregoing stipulation, the Court hereby continues the court trial to 9:00 a.m. on March 10, 2009, for five days. Pre-trial dates shall be continued for a like period of time as set forth in a Minute Order to be issued subsequently by this Court.

Dated this 19th day of June, 2008.



BENJAMIN H. SETTLE
United States District Judge

Presented by:

TOUSLEY BRAIN STEPHENS PLLC

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Copy Received; Form Approved, and
Notice of Presentation Waived By:

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED at Seattle, Washington, this 19th day of June, 2008.

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